

## Message Text

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ACTION EB-11

INFO OCT-01 AF-10 EUR-25 ISO-00 FAA-00 CIAE-00 INR-10

NSAE-00 RSC-01 L-03 H-03 DRC-01 /065 W

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R 211102Z JAN 74

FM AMEMBASSY LISBON

TO SECSTATE WASHDC 9004

INFO AMEMBASSY BRUSSELS

AMEMBASSY LAGOS

AMEMBASSY LIBERVILLE

AMCONSUL LUANDA

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EO 11652: N/A

TAGS: ETRN, PO

SUBJECT: CIVAIR - HS 125 AIRCRAFT DETAINED SAO TOME

REF: STATE 010109

1. SUMMARY: PORTUGUESE AUTHORITIES CONTINUE TO DOUBT AUTHENTICITY OF RONALD HAUCK'S CLAIM TO AIRCRAFT. SEVERAL YEARS AGO GOP REFUSED TO TURN OVER PLANE TO A PREVIOUS ALLEGED OWNER, HENRY WARTON, AS TITLE UNCLEAR. AS HAUCK'S CLAIM DEPENDS ON WARTON'S, GOP IS RELUCTANT TO RELEASE AIRCRAFT. HAUCK'S CHANCES WOULD BE IMPROVED BY LAYING TO REST COMPETING CLAIMS. END SUMMARY

2. AS DEPARTMENT IS AWARE, HISTORY THIS CASE DATES FROM BIAFRAN WAR, AND AIRCRAFT WAS REGISTERED IN 1966 IN NAME OF GOVERNMENT OF EASTERN NIGERIA. OUR UNDERSTANDING IS THAT AIRCRAFT WAS TAKEN OVER BY BIAFRANS AND LATER TRANSFERED TO THE NORTH AMERICAN AIRCRAFT CORPORATION, HEADED BY HENRY WARTON. MR. HAUCK HOLDS DOCUMENTS INDICATING THAT HE PURCHASED AIRCRAFT FROM NORTH AMERICAN AIRCRAFT CORPORATION IN 1973. ALTHOUGH PORTUGUESE GOVERNMENT RECOGNIZES THAT RONALD HAUCK OBTAINED

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FAA AIRCRAFT REGISTRY CERTIFICATE FOR HAWKER-SIDDELEY 125

IN HIS NAME, QUESTION OF OWNERSHIP REMAINS IN DOUBT.

3. IN LATE OCTOBER AND EARLY NOVEMBER, EMBASSY BROUGHT MR. HAUCK'S CASE TO ATTENTION OF APPROPRIATE PORTUGUESE AUTHORITIES, AND PROVIDED INTRODUCTIONS FOR HIM TO RESPONSIBLE OFFICIALS IN CIVIL AVIATION AGENCY (DGAC), OVERSEAS MINISTRY AND FOREIGN MINISTRY. ALTHOUGH FIRST TWO HAVE NO OBJECTIONS TO RELEASING AIRCRAFT TO HAUCK, FOREIGN MINISTRY REMAINS UNCONVINCED OF HIS OWNERSHIP. FOREIGN MINISTRY OFFICIALS RECALL THAT THEY REFUSED TO RELEASE PLANE TO HENRY WARTON ON GROUNDS THAT HIS TITLE FROM BIAFRAN GOVERNMENT IS NOT CLEAR. THEY EXPLAINED THAT SAME RATIONALE APPLIES TO MR. HAUCK, WHO OBTAINED AIRCRAFT FROM WARTON.

4. FAA ISSUANCE OF CERTIFICATE OF REGISTRY ON BASIS FAA DETERMINATION THAT FORMER NIGERIAN REGISTRATION HAD INDEED BEEN CANCELLED (STATE 211974) IS NOT ACCEPTED BY GOP AS CONCLUSIVE EVIDENCE OF HAUCK'S OWNERSHIP. REPEATED APPROACHES BY EMBASSY TO FOREIGN MINISTRY ASKING THAT THEY PROVIDE HAUCK WITH CLEAR EXPLANATION OF TYPE OF DOCUMENTS ENABLING HIM TO OVERCOME MINISTRY'S OBJECTIONS HAVE PROVED FRUITLESS.

5. IN EARLY DECEMBER HAUCK PROVIDED EMBASSY INFORMALLY WITH TEXT OF DECLARATION MADE NOVEMBER 30, 1973 BY FORMER BIAFRAN REPRESENTATIVE CHRISTOPHER MOJEKWU CONFIRMING THE SALE TO NORTH AMERICAN AIRCRAFT CORPORATION ON THE BASIS OF A POWER OF ATTORNEY GRANTED BY THE GOVERNMENT OF BIAFRA ON MAY 9, 1968. IN AN EFFORT TO OBTAIN PORTUGUESE ACCEPTANCE OF THIS DOCUMENT WE PROVIDED IT INFORMALLY TO FOREIGN MINISTRY ACTION OFFICER. IN REPLY MINISTRY HAS INFORMED EMBASSY THAT AS CONTRADICTORY STATEMENTS BY MOJEKWU ARE ON FILE, MINISTRY CANNOT RESOLVE ISSUE IN HAUCK'S FAVOR ON BASIS MOJEKWU'S NOVEMBER 30 DECLARATION.

6. IN LATEST APPROACH TO MINISTRY, JANUARY 18, EMBASSY WAS INFORMED THAT GOP STILL HAS GRAVE DOUBTS ABOUT LIMITED OFFICIAL USE

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CHAIN OF TITLE. OFFICIALS STATE MOJEKWU'S RELIABILITY OPEN TO QUESTION, AS FOREIGN MINISTRY HAS RITTEN STATEMENT BY MOJEKWU SAYING WARTON DID NOT FULFILL CONTRACT OBLIGATIONS AND IN EFFECT OBTAINED AIRCRAFT FRAUDULENTLY. MR. HAUCK HAS TOLD MINISTRY OF WARTON'S ATTEMPT TO TAKE POSSESSION AIRCRAFT THROUGHT COMPLEX AND FICTITIOUS MORTGAGING AND FORECLOSURE PROCESS THROUGH TWO SWISS BANKS A FEW YEARS AGO - WHICH

CONTRIBUTES TO GOP'S WARINESS.

7. IN ADDITION, FOREIGN MINISTRY HAS TOLD US OF CLAIMS TO THE AIRCRAFT BY BOTH NIGERIA AND GABON. THE NIGERIANS HAVE BEEN HOLDING A PORTUGUESE PILOT SINCE BIAFRAN DAYS, AND GOP THINKS PLANE MIGHT BE USEFUL IN GETTING HIM OUT. IN ADDITION, FONOFF HAS REPORT THAT BIAFRANS GAVE OR SOLD PLANE TO GABON PRESIDENT BONGO; GOP VALUES PRESENT GOOD "ADMINISTRATIVE" RELATIONS BETWEEN SAO TOME AND GABON (AIR TAXI SERVICE AND OTHER TIES), AND IS RELUCTANT TO JEOPARDIZE THEM BY GIVING HAUCK PLANE.

8. WE RECOGNIZE HAUCK'S RELUCTANCE TO COME TO PORTUGAL UNTIL THERE IS REASONABLE CHANCE PLANE WILL BE RELEASED; HAUCK'S REPEATED PERSONAL CONTACTS WITH GOP OFFICIALS, ARRANGED BY EMBASSY, HAVE THUS FAR BEEN FRUITLESS. WE HAVE CONTINUED TO PRESS FOREIGN MINISTRY, WITHOUT POSITIVE RESULT. WHILE WE PROBABLY DO NOT HAVE ALL THE FACTS ON CASE, WE BELIEVE THAT DISPOSING OF GABONESE AND NIGERIAN CLAIMS (POSSIBLY BY OBTAINING RENUNCIATION OF CLAIM BY THOSE GOVERNMENTS) WOULD MAKE IT EASIER FOR PORTUGUESE. SIMILAR RENUNCIATION ON BEHALF NIGERIAN STATES WHICH FORMERLY COMPRI\*ED EASTERN REGION WOULD MAKE IT EASIER FOR GOP TO ACCEPT MOJEKWU'S STATEMENTS. WE RECOGNIZE THIS IS TALL ORDER, BUT GIVEN MURKY HISTORY THIS CASE, PORTUGUESE ARE RELUCTANT TO MAKE IRREVERSIBLE DECISION WHILE OTHER CLAIMS OUTSTANDING.  
SCOTT

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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